

Defendant.

Civil Action No. 18-12070-DJC

Pursuant to Rule 24 of the Federal Rules of Civil Procedure, the Buzzards Bay Coalition (“the Coalition”) hereby respectfully requests leave to intervene as a defendant in this proceeding and requests that the Court permit the Coalition to file an opposition to Plaintiff’s Motion for Summary Judgment within a reasonable time. The Coalition also requests that the Court waive the requirement to file an Answer, or—in the alternative—allow the Coalition five (5) business days from the date this Motion for Leave to Intervene (the “Motion”) is granted to file an Answer. In support of its Motion, the Coalition refers the Court to its Memorandum in Support of its Motion for Leave to Intervene and the accompanying Affidavit of Mark Rasmussen.

THE BUZZARDS BAY COALITION,

By its attorneys,

/s/ Jonathan M. Ettinger

Jonathan M. Ettinger (BBO #552136)

Alicia Fay Daniel (BBO #703338)

Foley Hoag LLP

Seaport West

155 Seaport Boulevard

Boston, MA 02210

(617) 832-1000

jettinger@foleyhoag.com

adaniel@foleyhoag.com

Dated: May 31, 2019

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)**

I hereby certify that I conferred with counsel for all other parties to narrow or resolve the issues raised in the motion. Counsel for both the United States and the American Waterways Operators have indicated that they are reserving their right to take a position on the motion until after they have reviewed the motion.

/s/ Jonathan M. Ettinger

Jonathan M. Ettinger (BBO #552136)

jettinger@foleyhoag.com

**CERTIFICATE OF SERVICE**

I, Jonathan M. Ettinger, hereby certify that a true and accurate copy of this document, which was filed via the Court's ECF system, will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 31, 2019.

/s/ Jonathan M. Ettinger

Jonathan M. Ettinger (BBO #552136)

jettinger@foleyhoag.com